

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KRISTOPHER DANIEL RAINEY,

Defendant.

CR 19–99–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on March 5, 2020. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Kristopher Daniel Rainey’s

guilty plea after Rainey appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to possession of methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1), as charged in Count II of the Indictment.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 43), and I adopt them in full.

Accordingly, IT IS ORDERED that Kristopher Daniel Rainey's motion to change plea (Doc. 36) is GRANTED and Kristopher Daniel Rainey is adjudged guilty as charged in Count II of the Indictment.

DATED this 20th day of March, 2020.



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Dana L. Christensen, District Judge  
United States District Court